



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 02 1998

EPA Region 5 Records Ctr.



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REPLY TO THE ATTENTION OF

Ms. Lois J. Schiffer
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

Re: United States v. Interstate Pollution Control, Inc., et al., Consent Decree and Settlement Recommendation for the CERCLA Civil Case at the Interstate Pollution Control Site, Rockford, Illinois (SSID# DC)

Dear Ms. Schiffer:

Enclosed is the Consent Decree executed by the United States Environmental Protection Agency ("U.S. EPA"), which would settle the cost recovery claim at the Interstate Pollution Control Site ("the Site"), in Rockford, Winnebago County, Illinois, referred to the Department on June 26, 1997. Also enclosed is a recommendation in the form of a Settlement Policy Criteria Evaluation from Gail Ginsberg, Regional Counsel, that the Consent Decree be lodged. I concur with the conclusions contained therein and request that you lodge the Consent Decree on behalf of the U.S. EPA.

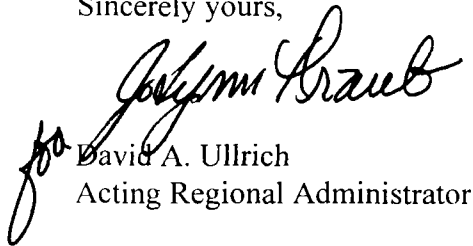
The Site was a hazardous substance storage facility that operated from 1971 until 1984. The U.S. EPA incurred response costs at the site. In addition to providing funding through a Cooperative Agreement with the State of Illinois for investigatory work and for negotiation of a consent decree for performance of the remedial investigation and feasibility study with the potentially responsible parties, U.S. EPA incurred costs sampling and investigating the Site to assess the extent of contamination, and in its oversight of the PRPs' implementation of a Unilateral Administrative Order issued in August of 1991 for certain surface removal activities.

The Consent Decree has been executed by a group of potentially responsible parties at the Site including the past and present owner of the Site, the operator of the Site, and over fifty generators of hazardous waste who arranged to have their waste disposed of at the Site ("Settling Defendants"). The Settling Defendants represent the only known parties from whom the United

States can seek to recover U.S. EPA's unreimbursed costs. The Consent Decree requires the Settling Defendants to pay the United States \$315,000 to settle this matter. As of October 31, 1998, U.S. EPA had \$464,612.70 in unreimbursed response costs at the Site. The settlement is recommended because of significant litigation risks, including a potential problem with the three-year statute of limitations on actions to recover costs for removals found at Section 113 of CERCLA, 42 U.S.C. §9613(g)(2)(A), and because a large volume of the waste documented as going to the Site would fall within the purview of the petroleum exclusion found in the Act's definition of "hazardous substance." 42 U.S.C. §9601(14).

If you have any questions concerning the settlement recommendation, please contact Craig Melodia, Assistant Regional Counsel, at (312) 353-8870, or Francis J. Biros, Trial Attorney, for questions concerning the Consent Decree.

Sincerely yours,


David A. Ullrich
Acting Regional Administrator

Enclosure

cc: Assistant U.S. Attorney, Northern District of Illinois
Francis J. Biros, Trial Attorney, U.S. Department of Justice

REED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

INTERSTATE POLLUTION CONTROL, INC.;)
ANDERSON'S GARAGE, INC.; ABRASIVE)
MACHINING CO.; ACME GRINDING, INC.;)
AMERICAN SHAFT CO.; AMEROCK CORP.;)
ATWOOD INDUSTRIES, INC.; BARBER-)
COLMAN CO.; BEROL USA; BORG-WARNER)
AUTOMOTIVE, INC.; CAMCAR DIVISION)
OF TEXTRON, INC.; CATERPILLAR, INC.;)
CHERRY VALLEY TOOL & MACHINE CO.,)
INC.; CLINTON ELECTRONICS CORP.;)
COLTEC INDUSTRIES, INC.;)
COMMONWEALTH EDISON CO.; COUNSELOR)
(BREARLEY) CO.; DANA CORP. (WARNER)
ELECTRIC); ECLIPSE COMBUSTION,)
INC.; ELCO TEXTRON, INC.; FRANTZ)
MANUFACTURING, INC.; THE GATES)
CORP. d/b/a THE GATES RUBBER CO.;)
GENERAL MOTORS CORP.; GOSS GRAPHIC)
SYSTEMS, INC.; GREENLEE TEXTRON,)
INC.; GTE COMMUNICATIONS SYSTEMS)
CORP.; HONEYWELL, INC. (MICRO)
SWITCH DIVISION); IKON OFFICE)
SOLUTIONS, INC. o/b/o IPSEN)
COMMERCIAL HEAT TREATING; J.L.)
CLARK, INC.; f/k/a J.L. CLARK)
MANUFACTURING CO.; KELSEY HAYES)
CO.; KEYSTONE CONSOLIDATED)
INDUSTRIES, INC.; METAL CUTTING)
TOOLS CORP.; MID-STATES SCREW)
CORP.; MOBIL OIL CORP.; MODERN)
METAL PRODUCTS, CO.; THE NATIONAL)
MACHINERY CO.; PACIFIC BEARING)
CORP.; PATTEN INDUSTRIES, INC.;)
PIERCE CHEMICAL CO.; PRECISION)
GROUP, INC. successor to ILLINOIS)
MACHINE PRODUCTS; THE QUAKER OATS)
CO.; QUALITY METAL FINISHING CO.;)
QUEBECOR PRINTING MT. MORRIS,)
INC.; RB&W CORP.; READETTE & DUNN)
PLATTER, INC.; ROCKFORD BLACKTOP)
CONSTRUCTION CO.; ROCKFORD BOLT &)
STEEL CO.; ROCKFORD DROP FORGE)
CO.; ROCKFORD HEADED PRODUCTS,)
INC.; SAWS INTERNATIONAL, INC.;)
SUNDSTRAND CORP.; THOMAS)

CIVIL ACTION
No. 98C50426

Judge Reinhard

DOCKETED

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MICHAEL W. DOBBINS, CLERK
UNITED STATES DISTRICT COURT

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DEPARTMENT OF JUSTICE
LANDS DIVISION
ENFORCEMENT RECORD

to this Consent Decree and the Chief, Environmental Enforcement Section, Environment and Natural Resources Division, of the United States Department of Justice certifies that he or she is authorized to enter into the terms and conditions of this Consent Decree and to execute and bind legally such Party to this document.

35. Each Settling Defendant hereby agrees not to oppose entry of this Consent Decree by this Court or to challenge any provision of this Consent Decree, unless the United States has notified Settling Defendants in writing that it no longer supports entry of the Consent Decree.

36. Each Settling Defendant shall identify, on the attached signature page, the name and address of an agent who is authorized to accept service of process by mail on behalf of that Party with respect to all matters arising under or relating to this Consent Decree. Settling Defendants hereby agree to accept service in that manner and to waive the formal service requirements set forth in Rule 4 of the Federal Rules of Civil Procedure and any applicable local rules of this Court, including but not limited to, service of a summons.

SO ORDERED THIS 7th DAY OF April, 1999.

Philip G. Newby
United States District Judge